



The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Office of Emergency Medical Services

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TO: All MA Ambulance Services

FROM: Michael S. Erdos, MD, State EMS Medical Director
Louise Goyette, Director

DATE: September 27, 2002

RE: Treat and Release; Patient Refusals

This is to remind all ambulance services, and other interested parties, that there is no regulation, administrative requirement, protocol or policy that permits ambulance services licensed in Massachusetts or their EMTs to treat and release (discharge) any emergency patient from their care absent a documented patient refusal. According to the Massachusetts Emergency Medical Services System Regulations, 105 CMR 170.355(A), Responsibility to Dispatch, Treat and Transport:

No ambulance service or agent thereof shall refuse, in the case of an emergency, to dispatch an available ambulance, to provide life support at the scene or to transport a patient to an appropriate health care facility within its regular operating area.

This means that ambulance services and the EMTs who work for them are required to send available ambulances in a timely manner, to provide emergency medical care AND to transport patients to appropriate hospitals. They may not refuse to perform ANY of these three responsibilities: 1) dispatch, 2) treat at the scene or c) transport to an appropriate health care facility.

The Department is aware that there are services and EMTs treating patients and leaving them at the scene in the absence of a documented patient refusal, rather than transporting them to the hospital. Any ambulance service or EMT that does so is violating Massachusetts regulations, jeopardizing patient safety and potentially exposing itself or him- or herself to liability.

Ambulance services and EMTs must be extremely cautious about accepting patient refusals. If however, a competent adult refuses further treatment and transportation to a hospital, ambulance services must ensure such refusals are informed, witnessed and in writing. Ambulance service policies should additionally ensure that a refusal 1) is initiated solely by the patient, and not suggested or prompted by the EMTs, and 2) is signed by a patient who can reasonably be determined to be competent to make an informed decision to refuse further care, or a parent of a patient who is a minor. The Department strongly advises each ambulance service to have its legal counsel review and approve its patient refusal policies, procedures and forms.

Please distribute this Advisory to all of your EMT employees and take whatever action necessary to ensure their compliance with all current and applicable rules, regulations, policies and protocols. If you have any questions, please refer them, preferably in writing, either to Abdullah Rehayem, Manager, Ambulance Regulations Program, or Tom Quail, RN, Clinical Coordinator.